

## **OVERVIEW OF INITIAL CONTACT**

**Officer George and Officer Ben have been partners in a patrol car for five years. One night Ben calls in sick so George works the shift alone. Officer George hears a call on the radio, a broadcast for a suspect in a purse snatching. Suspect is described as a dark haired male, possibly Hispanic, approximately 20-25 years of age, 5'9", 150 lbs and wearing blue coat. Last seen running south from the area and the victim sustained minor injuries during the crime.**

**George responds to the area and observes a male subject approximately 5'9' wearing a blue coat walking down the sidewalk. George stops the man, who is a white man but still fits the general description of the purse snatching suspect, He is the same size, weight and is wearing a blue coat.**

**Richard asks what's going on. Officer George responds by informing Richard about the purse snatching and advises him that he resembles the suspect's description.**

**He also tells Richard that he is going to search him for weapons. Richard bristles slightly, but complies and Officer George then conducts an initial "pat down" search. Officer George finds three small baggies of marijuana in the pocket of Richard's coat.**

**Following the search George asks Richard some basic identification questions.**

**Richard responds but is obviously upset and worried that he is being detained and questioned about a serious crime.**

**Officer George advises Richard that he is a prime suspect for felony robbery and for possession with intent to distribute. George suggests to Richard that his cooperation could result in a lesser charge, perhaps possession. He reminds Richard that robbery and possession with intent to distribute are serious charges and that he could be facing prison time.**

**After advising Richard of his rights, Officer George takes Richard to the station, where Detective Agnew conducts a formal interview.**

**Agnew advises Richard of his rights. Richard asks about the seriousness of the situation and whether he needs to have a lawyer present. Agnew responds by telling him that if he wants a lawyer, he is entitled to have one but that it is not necessary. “It’s your decision. But all I want to do is to talk to you about this situation so that we can take care of it for you. It may be that it’s all a huge misunderstanding and we can get it taken care of without the need for more formality.” Richard then freely waives his right to have a lawyer present, signs a written card acknowledging that, and then agrees to answer Agnew’s questions.**

Agnew's belief is that Richard is obviously an active member of the drug distribution ring and is more than likely also responsible for the purse snatching. Agnew's belief is based on information that Officer George shared with him about Richard's demeanor and statements obtained during the initial contact. At one point in the interrogation, Agnew leaves the interview room and actually views the DVD which has been made from the onboarding recording.

During the questioning it becomes obvious to Richard that these officers are serious about the charges they are discussing with him (CDDD and ROBBERY.) Anxious and scared, he unwittingly allows himself to be pushed by Agnew into acknowledging that he is part of the distribution ring. He resists the suggestion that he committed the purse snatching, but in the process makes statements which appear (at least when viewed out of context) to be confessions to having committed the robbery.

#### Script of Street Encounter

GW: Hey. Come over here.

RN: You talkin' to me, officer?

GW: Yessir. You don't see anybody else around, do you?

RN: What's the problem?

GW: Walk over here under the light. Keep your hands so I can see them.

RN (*complying*): OK.

GW: What's your name?

**RN: Richard. Why?**

**GW: Richard who?**

**RN: What are you stopping me for?**

**GW: What's your last name?**

**RN: Nixon.**

**GW: You got any ID on you?**

**RN: Ummm. Yeah, I got a school ID. Why?**

**GW: Please take it out and hand it to me, keeping your movements slow and deliberate.**

**RN (*complying, nervous*): What's the problem, officer?**

**GW: Have you ever been arrested?**

**RN: No, I am not a crook!**

**GW: Hmmm. I've seen you around the neighborhood and you fit the description of a purse snatcher we are looking for. What do you know about that?**

**RN: I don't know what you're talking about!**

**GW: You've been hanging around this area for some time and I have had my eye on you. I know some of your druggie friends and they're up to no good. (*Studies ID*)**

**You got any weapons or drugs on you?**

**RN: Uh, no. No. I don't have any weapons, except for my pocket knife.**

**GW: Let me see what you have in your pockets.**

**RN: You're gonna search me? You got no reason to search me. I mean, I didn't snatch anyone's purse!**

**GW (*gruffly*): Put your hands on the wall/car**

**RN (*complies*): I didn't steal no purse, why are you doing this to me?**

**GW: I'm checking to see if you have any weapons on you.**

**RN: I already told you about my pocket knife in my shirt pocket. I'm being honest with you, man.**

**GW (*removing knife from shirt pocket*): What else you got on you? (*begins to pat down coat pockets*)**

**RN: This ain't right. . . . you can't do this.**

**GW (*removes 3 small plastic baggie from coat pocket*): My, my. What's this in your pocket, Richard?**

**RN: I don't know. I borrowed this coat from a friend, What ever it is, it ain't mine.**

**GW: Looks like you have a little more than you need for yourself. Sale of drugs is a serious crime. You could get life in prison for this!**

**RN: What? I told you that's not mine. I don't know where that came from.**

**GW: Whose coat do you want me to believe it is?**

**RN: I got it from a friend.**

**GW: What's his name?**

**RN: Sam**

**GW: What's his last name?**

**RN (*fidgiting*): I don't know.**

**GW: You borrowed a coat from a guy named Sam that has a bag of pot in it and you don't know his name?**

**RN: That's right and that stuff you took out of the pocket's not mine, I'm going to talk to my attorney about this one.**

**GW: You have an attorney?**

**RN: That's right and I know my rights.**

**GW: What did you do wrong that you needed an attorney for?**

**RN: I am not a crook!**

**GW: Look Richard, I have enough pot here to arrest you for possession with intent to distribute drugs which will get you twenty years in prison. If you cooperate I may be able to help you out and keep you from going to prison.**

**RN: What do you mean cooperate? I did everything you asked me to do. I didn't do nothing wrong! You talk to my lawyer he'll tell you.**

**GW: I don't care what your lawyer says. Let me tell you how it is. I've seen you hanging out with some of the people I've been working on and I know they're into dealing drugs for a living. You're a small fish but you've moved up into the big time as of right now. So here's the deal: if you let me use you for bait to catch the big ones I let you go. Free ride, know what I mean?**

**RN: No I don't know what you mean. What do you want me to do?**

**GW: Give us your source and enough info to bust them with a load and you walk.**

**RN: C'mon, man. This shit ain't mine.**

**GW: Don't b.s. me, Richard. I got the goods on you, right out of your own pockets. Plus, I haven't even told you about how much time you're facing on the robbery beef. You fit the description on that real good.**

**RN: Robbery? What robbery?**

**GW: You snatch a purse off some old lady's shoulder, that's robbery in Montana. Get you 40 in the state pen.**

**RN: 40 years? For possessing a little bit of marijuana for personal use?**

**GW: You say it's for personal use. I say it's for sale. Either way, you can make life a lot easier for yourself if you work with us to get your buddies.**

**RN: "Get" them? Are you nuts? I can't do that; they'd kill me. Besides, I told you that stuff's my own personal stash. I'm not gonna sell it.**

**GW: That doesn't matter to me. I don't care if you bought it from them for your own use or if you bought it from them to sell to somebody else. What I want is them, not you.**

**RN: Well, I don't know anything about a purse snatching, even if I do look exactly like the suspect.**

**GW: Maybe you do, maybe you don't. Look I have you real good right now. If I take you to jail the word on the street will be out that you got busted and you won't be able to help yourself. No one will trust you. Your source will assume your working with the cops, narcing. If you cooperate I'll take you in to talk to a detective. If you come through with good info, you're off the hook on this.**

**RN (*thinking it over*): I don't know what to do. (*pause*) If I help, I don't want anyone to know that I snitched; you have to promise me that.**

**GW: No problem but you gotta give us some names, so we know we're talking about the same people, you know, make sure your coming through on your end.**

**RN: I don't know about this, I don't trust you guys.**

**GW (*irritated*): Richard, the choice is yours, cooperate now or go to jail and blow your chance for a free ride. You said the coat belonged to a Sam, let's start with him.**

**RN: My Uncle Sam gave me the coat he has nothing to do with this.**

**GW (*becoming impatient*): So where did the pot come from?**

**RN: Like I told you, I bought it for myself.**

**GW: OK. So who'd you buy it from? I need names so I can tell the detectives that you're going to cooperate. You gotta show us some good faith here. And you gotta do it now. I gotta get moving on this. It's getting late and my shift ends soon.**

**What's it gonna be, Richard? Jail or names?**

**RN: OK, the guys that own the stuff are going to kill me if they find out that I talked. Don't let this out!**

**GW: We'll do our best but the info better be good.**

**RN: OK, Coco Mocha and her husband sold me the stuff.**

**GW: I know Coco and her husband. Do they have any more pot?**

**RN: Well, they might. But I wanna talk to that detective so I know you won't screw me over.**

**GW: Look Richard, I need a little more info than that. You don't expect me to go and bother the detectives with nothing and talk up a free ride for you with what I got you on already. Give me some idea of how much pot we're talking about with Coco and her husband.**

**RN: Many pounds of product is what I'm saying. Is that good enough? So get me that free ride. That's all I'm saying for now.**